

TAM:EP:mz

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA) CRIMINAL NO. 1:01-CR-321
)
)
 v.) **(Judge Kane)**
)
ANTHONY ALSTON)

MOTION TO CONTINUE TRIAL

AND NOW this 20th day of March 2006, comes Thomas A. Marino, United States Attorney for the Middle District of Pennsylvania, by Eric Pfisterer, Assistant United States Attorney, who files this Motion to Continue Trial and, in support thereof, alleges as follows:

1. Trial in the above-captioned matter is currently scheduled to commence with a selection of a jury on April 3, 2006.
2. The United States and the defense need additional time to coordinate a global resolution of the cases pending against the defendant.
3. Additional time may very well lead to a resolution that will require no further litigation in federal court.
4. Under the Speedy Trial Act, any period of delay resulting from a continuance granted at the request of a party shall be excluded in computing the

time within which trial must commence if the Court finds that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial (*see* 18 U.S.C. § 3161(h)(8)(A)).

5. The United States submits that the ends of justice served by granting the requested continuance outweigh the best interest of the public and the defendant in a speedy trial in that the requested continuance might result in a plea agreement being reached by the parties, alleviating the need for a trial and the expenditure of resources for a trial.

6. Undersigned counsel for the United States contacted counsel for defendant, Lori Ulrich, about the possibility of this motion and the relief sought. Ms. Ulrich indicated she would concur in such a motion.

WHEREFORE, for all of the reasons cited above, the parties respectfully request that this Honorable Court continue the above-captioned matter.

Respectfully submitted,

THOMAS A. MARINO
United States Attorney

/s/ Eric Pfisterer
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that she is an employee in the Office of the United States Attorney for the Middle District of Pennsylvania and is a person of such age and discretion to be competent to serve papers.

That this 20th day of March 2006, she served a copy of the attached

MOTION TO CONTINUE TRIAL

by electronic means by sending a copy to each of the e-mail addresses stated below:

Addressee:

Lori Ulrich, Esquire
pamd-fpd.hbg@verizon.net

/s/ Mary Zerance

Mary Zerance
Legal Assistant